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A CHALLENGE *to the* CHURCHES

The PERMANENT COURT of INTERNATIONAL JUSTICE

DURING the next few months the American people must decide whether or not the United States shall follow the proposal of the President and the Secretary of State, and associate itself definitely with the Permanent Court of International Justice established at the Hague.

The issue which the World Court presents is not a new one. It embodies the age-long conflict between law and force . In earliest times each man, an absolute sovereign, remained a law unto himself. Disputes were settled by an immediate appeal to force. But gradually this changed, for the people could not stand the havoc of hate and conflict and destruction which such a system involved. Within the family, then the tribe, then the state, arbiters arose. No longer were individuals allowed to settle at will with their opponents in the ancient primitive way. Slowly a system of laws took shape governing the decisions of these judges. The very progress of mankind can be marked by law's slow conquest over force.

But nations, the last of the absolute sovereigns, resisted this change and even up to yesterday asserted the right to be a law unto themselves. As a result came the World War. Today around the earth the people know that if nations are to survive they too must subject their individual wills to established processes of law, their individual interest to the welfare of all mankind. All that the Christian Church itself has built up in the hearts and minds of the people through centuries of effort hangs in the balance. For war in the future, aided by the powers of science, simply means self-destruction. This appeal to the sword can only be abolished by one means,—the means already found effective within the state—by building up an appeal to law instead. That is exactly the purpose of the Permanent Court of International Justice. In it we see a great advance in the long struggle of man to civilize himself.

LAW OR FORCE

The Christian forces of this land for many years have advocated the settlement of international disputes by courts of arbitration rather than by resort to force. Indeed to them belongs no small responsibility for the leadership taken by the United States in behalf of

such a program before the World War, and since 1918 denomination after denomination has officially requested the leaders of our Government to take such steps as will lead us to active participation in the new Permanent Court of International Justice. In May, 1922, the Federal Council of Churches, representing united Protestant feeling as it came from its constituent bodies, presented to the President a memorial urging our entrance into the Court as "not only the fruition and consummation of many decades of American discussions, plans and desires for international peace through justice based on law, but also the promise of a larger and truer righteousness and justice among the nations, a step forward in the establishment of the Kingdom of God among men."

A LONG STEP TOWARDS A WARLESS WORLD

A day of great decision for our country and the world has now arrived, a day long sought by the Christian people of our land. There will be strong forces at work opposing the action recommended by the President. Some will conjure up dangers to frighten doubtful minds. Others may oppose it because it does not go all the way in outlawing war. Although this is true, the establishment of the Court is a most important practical step in this direction. Surely we should not hesitate to take the first step because it is not a complete solution all at once. Concerted, vigorous and continuous effort in support of the Court is imperative on the part of all who see in the principle of the supremacy of law the only hope for the nations.

(The foregoing statement was adopted by the Administrative Committee of the Federal Council of the Churches on May 12, 1923.)

SALIENT FACTS ABOUT THE COURT

The new Permanent Court of International Justice should not be confused with the old Hague Permanent Court of Arbitration. The latter, established in 1899, is in reality not a *court* but a *panel* of 135 names from which nations may choose judges to arbitrate questions. It is *not a permanently sitting court* of permanent judges. Because of this it cannot as effectively build up a body of international law.

In 1907 Secretary of State Elihu Root instructed the American delegates "to bring about a development of the Hague tribunal into a *permanent tribunal* composed of judges who are judicial officers and nothing else, who are paid adequate salaries, who have no other occupation, and *who will devote their entire time* to the trial and decision of international cases by judicial methods and *under a sense of judicial responsibility.*" Later Senator Knox took up a similar plan and sought to have it adopted, but the outbreak of the war in 1914 caused its postponement.

At the end of the war the Covenant of the League of Nations embodied in Article XIV this statement: "The Council shall formulate and submit to the members of the League for adoption plans for the establishment of a *Permanent Court of International Justice.*"

The Council at once asked a number of eminent jurists, Elihu Root being one, to draft a plan. On December 13, 1920, its proposal was *unanimously approved,* with modifications, *by representatives of the forty-eight states* sitting in the Assembly. A *special independent treaty* was drawn up, *wholly distinct from the Covenant of the League;* and as such it now has been *signed by forty-six states,* of which thirty-five have completed their formal ratifications.

COMPOSITION OF THE COURT

The Court is composed of eleven regular and four deputy judges. These are elected for a term of 9 years by a majority vote of the League's Assembly and Council acting independently. They are to *give their full and continuous time* to this work. *Sessions* are held *at least once a year* beginning June 15th. *Already the Court has rendered three opinions* deciding controversies concerning the activities of the labor organization of the League, in which questions organized labor in Western Europe was vitally interested. On February 7, 1923, it rendered a decision on a controversy between France and Great Britain over the application of nationality laws in Tunis and Morocco. At the present time *four important cases are already upon its docket for the coming session.*

The Court is not a "private" Court of the League of Nations. By a decision of the Council of the League on May 12, 1922, it has been *opened to all the world.* In most cases each party to a dispute must consent before the Court can deal with the dispute. An optional clause in the treaty establishing the Court has now accepted, in most cases upon condition of reciprocity, by twenty states, recognizing the jurisdiction of the Court as compulsory in disputes involving any question of international law, of interpretation of a treaty, a breach of an international obligation, or extent of the reparation to be made for such a breach.

By Articles XIII and XVI members of the League agree to accept and support decisions of the Court. States not members of the League are not bound in this way. For them and, in the last analysis, for all nations *the ultimate force behind the decisions of the Court must be the moral power of the united public opinion of the world.*

AMERICA'S OPPORTUNITY

President Harding now proposes that the United States join the Court, with reservations providing that:

1. No legal relation to the League is involved.

2. The United States may participate in the election of the judges on an equality with the other states.

3. The United States will pay its proper share of the expenses of the Court, the expenditures to be approved by Congress.

4. The statute of the Court shall not be amended without the consent of the United States.

WHAT TO DO

1. In the regular services of public worship pastors should pray and speak for the *extension of the sway of law over force*, and for a whole-hearted readiness on the part of our nation to play its part in bringing this about.

2. See that Chambers of Commerce, Boards of Trade, Farmers' organizations, Labor organizations, Rotary and Kiwanis groups, in your community arrange open forums or other meetings to discuss the principles at stake in the Court and America's responsibility in its development.

3. Let every individual do his part to develop the intelligent understanding of the problem which is indispensable. Write to the newspapers, discuss the question with friends, and present the matter in public address whenever possible.

4. Write to President Harding assuring him of your full support.

5. *Write to your United States Senators, expressing your strong desire that the Senate should approve promptly the recommendation of the President.*

International Ideals
of the Churches of Christ in America

Adopted by the Executive Committee of the FEDERAL COUNCIL OF THE CHURCHES, December 16, 1921, and subsequently by many of its constituent bodies.

1 *We Believe* that nations no less than individuals are subject to God's immutable moral laws.

2 *We Believe* that nations achieve true welfare, greatness and honor only through just dealing and unselfish service.

3 *We Believe* that nations that regard themselves as Christians have special international obligations.

4 *We Believe* that the spirit of Christian brotherliness can remove every unjust barrier of trade, color, creed and race.

5 *We Believe* that *Christian* patriotism demands the practice of good-will between nations.

6 *We Believe* that international policies should secure equal justice for all races.

7 *We Believe* that all nations should associate themselves permanently for world peace and good-will.

8 **We Believe in international law, and in the universal use of international courts of justice and boards of arbitration.**

9 *We Believe* in a sweeping reduction of armaments by all nations.

10 *We Believe* in a warless world, and dedicate ourselves to its achievement.

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